

1 Jeffrey M. Lenkov, Esq. (SBN 156478)
jml@mmker.com
2 Jami I. Copeland, Esq. (SBN 199538)
jic@mmker.com
3 **MANNING & KASS,**
4 **ELLROD, RAMIREZ, TRESTER LLP**
801 So. Figueroa Street, 15th Floor
Los Angeles, CA 90017
5 Telephone: (213) 624-6900
Attorneys for Defendant,
6 MACY'S DEPARTMENT STORES, INC., erroneously
served as MACY'S WEST STORES, INC.
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11
12 JENNY WARD,

13 Plaintiff,

14 vs.

15 MACY'S INC.; MACY'S WEST, an
unincorporated division of MACY'S
16 DEPARTMENT STORES, INC., and
DOES 1 - 10, inclusive,

17 Defendants.
18

Case No.: 11CV0270-JAH (WVG)

DEFENDANT MACY'S
DEPARTMENT STORES, INC.'S
NOTICE OF COMPLIANCE WITH
28 U.S.C. §1446(d)

Complaint Filed: 11/16/2010

1 **PLEASE TAKE NOTICE** that on February 15, 2011, defendant MACY'S
2 DEPARTMENT STORES, INC. filed with the Superior Court of the State of
3 California in and for the County of Los Angeles a document entitled NOTICE TO
4 STATE COURT AND ADVERSE PARTY OF REMOVAL OF ACTION TO
5 FEDERAL COURT, to which was attached a copy of the defendant's NOTICE OF
6 REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) filed in this Court. A copy
7 of this document was served on the Plaintiff on February 11, 2011. A conformed
8 copy of the NOTICE TO ADVERSE PARTIES AND STATE COURT OF
9 REMOVAL OF ACTION TO FEDERAL COURT (without the attachments, copies
10 of which are already on file with this Court) is attached hereto as Exhibit A).

11
12 Dated: February 23, 2011

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

13
14 By: /s/ Jami I. Copeland
15 Jeffrey M. Lenkov, Esq.
16 Jami I. Copeland, Esq.
17 Attorneys for Defendant,
18 DEPARTMENT STORES, INC.,
19 erroneously served as MACY'S WEST
20 STORES, INC.
21
22
23
24
25
26
27
28

EXHIBIT “A”

JEFFREY M. LENKOV, ESQ. (SBN 156478)
JAMI L. COPELAND, ESQ. (SBN 199538)
MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
15th Floor at 801 Tower
801 South Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 624-6900
Facsimile: (213) 624-6999

FILED
Clerk of the Superior Court

FEB 15 2011

By: C. BANKS, Deputy

Attorneys for Defendant, MACY'S DEPARTMENT STORES, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

JENNY WARD,

Plaintiff,

vs.

MACY'S INC.; MACY'S WEST, an
unincorporated division of MACY'S
DEPARTMENT STORES, INC., and DOES 1 -
10, inclusive,

Defendants.

Case No.: 37-2010-00104235-CU-PO-CTL
Judge Ronald S. Prager - Dept. C-71

**DEFENDANT MACY'S
DEPARTMENT STORES, INC.'S
NOTICE TO STATE COURT AND
ADVERSE PARTY OF REMOVAL
OF ACTION TO FEDERAL COURT**

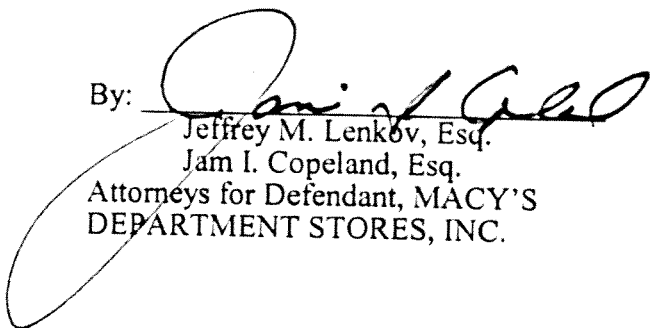
Complaint Filed: 11/16/2010

1 TO THE CLERK OF THE COURT AND TO THE PLAINTIFF AND HER ATTORNEY
2 OF RECORD:

3 PLEASE TAKE NOTICE that a Notice of Removal of this action was filed in the United
4 States District Court for the Southern District of California on February 9, 2011 as Case No. 11
5 CV0270 MMA WVG. A true and correct copy of the NOTICE OF REMOVAL OF ACTION
6 UNDER 28 U.S.C. §1441(b) is attached to this Notice as Exhibit "A".

7 Dated: February 11, 2011

8 MANNING & KASS
9 ELLROD, RAMIREZ, TRESTER LLP

10 By: 
11 Jeffrey M. Lenkov, Esq.
12 Jam I. Copeland, Esq.
13 Attorneys for Defendant, MACY'S
14 DEPARTMENT STORES, INC.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

Jenny Ward v. Macy's - Case No. 37-2010-00104235-CU-PO-CTL
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 South Figueroa Street, 15th Floor, Los Angeles, California 90017.

On February 11, 2011, I served the document described as **DEFENDANT MACY'S DEPARTMENT STORES, INC'S NOTICE TO STATE COURT AND ADVERSE PARTY OF REMOVAL OF ACTION TO FEDERAL COURT** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope(s) addressed as follows:

James A. Mangione, Esq.
Wingert Grebing Brubaker & Juskie LLP
600 W. Broadway, 7th Floor
San Diego, CA 92101
Tel: 619-232-8151
Fax: 619-232-4665
Attorneys for Plaintiff, JENNY WARD

☒ **(BY MAIL)** I caused such envelope(s) to be deposited in the mail at Los Angeles, California. The envelope(s) were/was mailed with postage thereon fully prepaid. I placed such envelope(s) with postage thereon prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

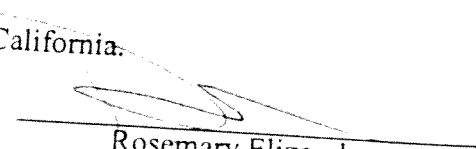
☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document in envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above or on the attached service list. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by UPS service carrier to receive documents for overnight delivery.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee(s) at the listed fax number(s) as indicated above or on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s) as indicated above or on the attached service list via **NATIONWIDE LEGAL, INC.**

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **February 11, 2011**, at Los Angeles, California.


Rosemary Elizondo

PROOF OF SERVICE

Jenny Ward v. Macy's - Case No. 37-2010-00104235-CU-PO-CTL
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 801 South Figueroa Street, 15th Floor, Los Angeles, California 90017.

On **February 23, 2010**, I served the document described as **DEFENDANT MACY'S DEPARTMENT STORES, INC.'S NOTICE OF COMPLIANCE WITH 28 U.S.C. §1446(d)** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope(s) addressed as follows:

James A. Mangione, Esq.
Wingert Grebing Brubaker & Juskie LLP
600 W. Broadway, 7th Floor
San Diego, CA 92101
Tel: 619-232-8151
Fax: 619-232-4665
Attorneys for Plaintiff, JENNY WARD

☒ **(BY MAIL)** I caused such envelope(s) to be deposited in the mail at Los Angeles, California. The envelope(s) were/was mailed with postage thereon fully prepaid. I placed such envelope(s) with postage thereon prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document in envelope(s) designated by the express service carrier (UPS) for overnight delivery, addressed as indicated above or on the attached service list. I delivered said UPS envelope to the personnel of our mail room. I am "readily familiar" with the firm's practice of collecting and processing documents intended for UPS overnight delivery. Under that practice, after the document is delivered to the firm's mail room, it is deposited that same day, with delivery fees provided for, in a box or other facility regularly maintained by the express service carrier or is delivered to an authorized courier or driver authorized by UPS service carrier to receive documents for overnight delivery.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee(s) at the listed fax number(s) as indicated above or on the attached service list.

☐ **(BY PERSONAL SERVICE)** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s) as indicated above or on the attached service list via NATIONWIDE LEGAL, INC.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **February 23, 2010**, at Los Angeles, California.


ROSEMARY ELIZONDO